

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 79-8

ORDER REQUIRING THE CITY OF BENICIA TO CEASE AND
DESIST FROM DISCHARGING WASTES CONTRARY TO
REQUIREMENTS AND TIME SCHEDULES PRESCRIBED BY THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN FRANCISCO BAY REGION

The California Regional Water Quality Control Board, San Francisco Bay Region,
hereinafter Board, finds that:

1. On May 17, 1977 the Board adopted Order No. 77-42 (NPDES Permit No. CA0038091) prescribing requirements for the waste discharge by the City of Benicia, hereinafter discharger, from its municipal sewage treatment plant.
2. On May 17, 1977, the Board adopted Order No. 77-43, an Enforcement Order for issuance of a Time Schedule to meet secondary treatment standards.
3. On February 21, 1978, the Board adopted Order No. 78-7 amending the requirements prescribed in Order No. 77-42.
4. The requirements of Order No. 77-42 as amended provide, in part, as follows:

"B. Effluent Limitations:

...

3. Chlorine residual shall not exceed an instantaneous maximum of 0.0 mg/l.

...

7. Representative samples of the effluent shall not exceed the following limits more than the percentage of time indicated: (a)

<u>Constituent</u>	<u>Unit of Measurement</u>	<u>50% of time</u>	<u>10% of time</u>
Arsenic	mg/l (kg/day)	0.01(0.113)	0.02(0.227)
Cadmium	mg/l (kg/day)	0.02(0.227)	0.03(0.341)
Total Chromium	mg/l (kg/day)	0.005(0.057)	0.01(0.113)
Copper	mg/l (kg/day)	0.2(2.27)	0.3(3.41)
Lead	mg/l (kg/day)	0.1(1.145)	0.2(2.27)

Mercury	mg/l (kg/day)	0.001(0.011)	0.002(0.023)
Nickel	mg/l (kg/day)	0.1(1.135)	0.2(2.27)
Silver	mg/l (kg/day)	0.02(0.227)	0.04(0.454)
Zinc	mg/l (kg/day)	0.3(3.41)	0.5(5.67)
Cyanide	mg/l (kg/day)	0.1(1.14)	0.2(2.269)
Phenolic Compounds			1.0(11.4)
Total Identifiable Chlorinated Hydrocarbons	mg/l (kg/day)	0.002(0.023)	0.004(0.045)

(a) These limits are intended to be achieved through secondary treatment, source control and application of pretreatment standards.

(b) Total Identifiable Chlorinated Hydrocarbons shall be measured by summing the individual concentrations of DDT, DDD, DDE, aldrin, BHC, chlordane, endrin, heptachlor, lindane, dieldrin, polychlorinated biphenyls, and other identifiable chlorinated hydrocarbons.

8. Total coliform bacteria for a median of 5 consecutive samples shall not exceed 240 MPN/100ml. Any single sample shall not exceed 10,000 MPN/100ml when verified by a repeat sample taken within 48 hours.

E. Provisions:

...

2. The discharger shall comply with the following time schedule to assure compliance with specifications of this order:

...

b) Compliance with Effluent Limitation B.7:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance</u>
Status Report of Compliance		June 15, 1977
Submit report outlining corrective action taken to achieve compliance w/program for source control	December 1, 1977	December 15, 1977
Status Report		April 15, 1978
Status Report		July 15, 1978
Documentation of Compliance w/effluent limitation	December 1, 1978	December 15, 1978

This Regional Board will consider amendment of the effluent limitation B.7. if the discharger demonstrates that compliance

cannot be achieved through a program acceptable to the Board for source control and pretreatment standards.

..."

5. Reports from the discharger and Board staff inspections indicate that the discharger is in violation of or is threatening to violate the requirements and time schedule listed in Finding 4 of this Order.
6. Starting at 2:00 p.m. on Wednesday, December 6, 1978, in the City Council Chambers, City Hall, Benicia after due notice to the discharger and other affected persons, a hearing panel of the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge. The hearing was reconvened at 9:00 a.m. on Tuesday December 19, 1978 in Oakland where further evidence was received and the hearing was continued to Tuesday, January 16, 1979 in Oakland where more evidence was received.
7. Upon the basis of the evidence received, the hearing panel recommended that the Board issue a Cease and Desist Order against the discharger requiring that he comply with the aforesaid requirements immediately and in accord with a time schedule. The Board has independently reviewed the record of the hearing.
8. The discharger is violating and threatening to violate the requirements and time schedule listed in Finding 4 of this Order.
9. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED THAT the discharger cease and desist from discharging wastes contrary to the requirements and time schedule contained in Order No. 77-42 as amended and listed in Finding 4 of this Order. Compliance shall be achieved according to the following specifications:

A. Compliance with Effluent Limitations:

The discharger shall comply with Effluent Limitations B.3. (chlorine residual) and B.8. (total coliform) of Order No. 77-42 forthwith.

B. Source Control Program

The discharger shall comply with Effluent Limitation B.7. of Order No. 77-42 (source control) according to the following schedule:

<u>Task</u>	<u>Compliance Date</u>
Adopt final discharge permit format	February 15, 1979
Issue discharge permits to all sources to include monitoring programs and compliance time schedule	April 15, 1979
Documentation of completeness and adequacy of source control program to assure compliance with Effluent Limitation B.7. and full protection of digester operation.	June 15, 1979

C. Provisions

1. The discharger is required to submit to the Board by the first of every month, beginning March 1, 1979 a report, under penalty of perjury, on progress toward compliance with this Order to include notification of any new industrial connections and source control measures necessary. If noncompliance or threatened noncompliance is reported, the reasons for noncompliance and an estimated compliance date shall be provided.
2. If the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized, after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.
3. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on January 16, 1979.

FRED H. DIERKER
Executive Officer